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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BARBARA MITCHELL,  
Defendant.

No. CR 11-0507 EJD

**STIPULATION AND ~~PROPOSED~~  
ORDER VACATING AUGUST 27, 2012  
STATUS CONFERENCE, SETTING  
NOVEMBER 19, 2012 STATUS  
CONFERENCE AND EXCLUDING  
TIME FROM AUGUST 27, 2012 TO  
NOVEMBER 19, 2012, FROM  
CALCULATIONS UNDER THE  
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

The parties hereby request that the Court enter this order vacating the status conference scheduled for August 27, 2012, setting a further status conference in this matter for November 19, 2012, and excluding time from August 27, 2012 through November 19, 2012. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from August 27, 2012 through November 19, 2012, based upon the need for the defense counsel to investigate further the facts of the present case. The government has provided thousands of pages of discovery in the present case, and defense

counsel needs time to review the discovery, evaluate further possible defenses and motions available to the defendant. In addition, once defense counsel and defendant have completed their review of the discovery, they will meet with government counsel to discuss potential dispositions of this matter. If necessary, the parties may request that the Court refer them to a Settlement Conference.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from August 27, 2012 through November 19, 2012.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from August 27, 2012 through November 19, 2012, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: August 22, 2012

/s/ Varell L. Fuller  
VARELL L. FULLER

DATED: August 22, 2012

/s/ Hanley Chew  
HANLEY CHEW  
Assistant United States Attorney

**~~PROPOSED~~ ORDER**


Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from August 27, 2012 to November 19, 2012 based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and

1 is in the defendant's best interests; and (3) the ends of justice are served by excluding from  
2 calculations the period from August 27, 2012 to November 19, 2012.

3 Accordingly, the Court further orders that (1) the status conference for August 27, 2012  
4 is vacated; (2) a further status conference in this matter is set for November 19, 2012; and (3) the  
5 time from August 27, 2012 to November 19, 2012 is excluded from time calculations under the  
6 Speedy Trial Act, 18 U.S.C. § 3161.

7 IT IS SO ORDERED.

8  
9 DATED: August 23, 2012

  
THE HONORABLE EDWARD J. DAVILA  
United States Magistrate Judge